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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,418

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Rainer Mueller

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EXAMINER

O'HARA, BRIAN M

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,418	Applicant(s) MUELLER ET AL.	
	Examiner Brian M. O'Hara	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Movsesian et al. (US Patent 7,083,147 B2). An insulation structure for an internal insulation of a vehicle comprising: an insulation package (33) arranged in the intermediate space between the internal paneling of the vehicle and the outside skin of the vehicle (See Fig. 9); an insulation core (32) embedded in the insulation package; and a film (34), the film having a hose-like end section (See Fig. 4) formed at an end of the film outside of a film envelope and on the edge of the insulation package such that the film has a portion shaped into a flat attachment section, the attachment section of the film being folded in a Z- shape (42) such that the attachment section has film fold regions laid one on top of another in a final position (See Fig. 5), providing an obstruction to fire and substantially enveloping the insulation package.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claim 1 is rejected under 35 U.S.C. 102(e) as anticipated by Movesian et al. as applied above or, in the alternative, under 35 U.S.C. 103(a) as obvious over Movesian et al. in view of Fay et al. (US Patent 7,282,252 B2). If applicant does not agree that Movesian et al. discloses Z shaped attachment sections (42), then in the alternative, Fay et al. teaches Z-shaped attachment sections (158 and 466). At the time of invention, it would have been obvious to provide the insulation structure of Movesian et al. with the Z-shaped attachment sections of Fay et al. The motivation for doing so would have been to fold the attachment section to the appropriate length while making it stronger.

4. Claims 2-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Movesian et al. or, in the alternative Movesian et al. and Fay et al. as applied to claim 1 above, and further in view of Wulliman et al. Movesian et al. and Fay et al. disclose the insulation structure as described above. Wulliman et al. teaches an insulation structure (40) including: a film made of material of high and permanent fire resistance (22); a film reinforcement region (24); with a plurality of layers of film reinforcement (See 24 and 28 in Fig. 7); forming a fire barrier (See Table in Columns 13 and 14). At the time of invention, it would have been obvious to one of ordinary skill in the art to provide the insulation structure of Movesian et al and Fay et al. with the plurality of permanent fire resistant layers taught by Wulliman et al. The motivation for doing so would have been to provide the insulation structure with additional fire retardant materials.

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5. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Movesian et al. or, in the alternative Movesian et al. and Fay et al. as applied to claim 1 above, and further in view of Sanocki et al. (US Patent 5,759,659 A). Movesian et al. and Fay et al. disclose the insulation structure as described above, but do not disclose the use of ceramic fibers. Sanocki et al. discloses using ceramic fibers as part of the fire barrier's high temperature-resistant layer (16). At the time of invention, it would have been obvious to provide the insulation package of Wulliman et al. with the ceramic fibers disclosed in Sanocki et al. as part of the film reinforcement region. The motivation for doing so would have been to make a stronger composite layer.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. O'Hara whose telephone number is (571)270-5224. The examiner can normally be reached on Monday thru Friday 10am - 5pm except the first Friday of every Bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael R. Mansen can be reached on (571)272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy D. Collins/
Primary Examiner, Art Unit 3643
For Michael Mansen

/B. M. O./
Examiner, Art Unit 3644